

# EXTENSIONS OF REMARKS

## OPPOSING ANY ENDORSEMENT OR FURTHER CONSIDERATION OF REPORT OF THE UNITED NATIONS FACT FINDING MISSION ON THE GAZA CONFLICT

SPEECH OF

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 3, 2009*

Mr. ELLISON. Madam Speaker, I am submitting the following summary of the Goldstone Report as part of the debate on H. Res. 867.

EXCERPT FROM UNITED NATIONS FACT FINDING MISSION ON THE GAZA CONFLICT (THE GOLDSTONE REPORT)

### B. METHODOLOGY

11. To implement its mandate, the Mission determined that it was required to consider any actions by all parties that might have constituted violations of international human rights law or international humanitarian law. The mandate also required it to review related actions in the entire Occupied Palestinian Territory and Israel.

12. With regard to temporal scope, the Mission decided to focus primarily on events, actions or circumstances occurring since 19 June 2008, when a ceasefire was agreed between the Government of Israel and Hamas. The Mission has also taken into consideration matters occurring after the end of military operations that constitute continuing human rights and international humanitarian law violations related to or as a consequence of the military operations, up to 31 July 2009.

13. The Mission also analysed the historical context of the events that led to the military operations in Gaza between during the period from 27 December 2008 and 18 January 2009 and the links between these operations and overarching Israeli policies vis-à-vis the Occupied Palestinian Territory.

14. The Mission considered that the reference in its mandate to violations committed "in the context" of the December–January military operations required it to include restrictions on human rights and fundamental freedoms relating to Israel's strategies and actions in the context of its military operations.

15. The normative framework for the Mission has been general international law, the Charter of the United Nations, international humanitarian law, international human rights law and international criminal law.

16. This report does not purport to be exhaustive in documenting the very high number of relevant incidents that occurred in the period covered by the Mission's mandate. Nevertheless, the Mission considers that the report is illustrative of the main patterns of violations. In Gaza, the Mission investigated 36 incidents.

17. The Mission based its work on an independent and impartial analysis of compliance by the parties with their obligations under international human rights and humanitarian law in the context of the recent conflict in Gaza, and on international investigative standards developed by the United Nations.

18. The Mission adopted an inclusive approach in gathering information and seeking views. Information-gathering methods included: (a) the review of reports from different sources; (b) interviews with victims, witnesses and other persons having relevant information; (c) site visits to specific locations in Gaza where incidents had occurred; (d) the analysis of video and photographic images, including satellite imagery; (e) the review of medical reports about injuries to victims; (f) the forensic analysis of weapons and ammunition remnants collected at incident sites; (g) meetings with a variety of interlocutors; (h) invitations to provide information relating to the Mission's investigation requirements; (i) the wide circulation of a public call for written submissions; (j) public hearings in Gaza and in Geneva.

19. The Mission conducted 188 individual interviews. It reviewed more than 300 reports, submissions and other documentation either researched of its own motion, received in reply to its call for submissions and notes verbales or provided during meetings or otherwise, amounting to more than 10,000 pages, over 30 videos and 1,200 photographs.

20. By refusing to cooperate with the Mission, the Government of Israel prevented it from meeting Israeli government officials, but also from travelling to Israel to meet with Israeli victims and to the West Bank to meet with Palestinian Authority representatives and Palestinian victims.

21. The Mission conducted field visits, including investigations of incident sites, in the Gaza Strip. This allowed the Mission to observe first-hand the situation on the ground, and speak to many witnesses and other relevant persons.

22. The purpose of the public hearings, which were broadcast live, was to enable victims, witnesses and experts from all sides to the conflict to speak directly to as many people as possible in the region as well as in the international community. The Mission gave priority to the participation of victims and people from the affected communities. The 38 public testimonies covered facts as well as legal and military matters. The Mission had initially intended to hold hearings in Gaza, Israel and the West Bank. However, denial of access to Israel and the West Bank resulted in the decision to hold hearings of participants from Israel and the West Bank in Geneva.

23. In establishing its findings, the Mission sought to rely primarily and whenever possible on information it gathered first-hand. Information produced by others, including reports, affidavits and media reports, was used primarily as corroboration.

24. The Mission's final conclusions on the reliability of the information received were made taking into consideration the Mission's assessment of the credibility and reliability of the witnesses it met, verifying sources and methodology used in reports and documents produced by others, cross-referencing the relevant material and information, and assessing whether, in all the circumstances, there was sufficient information of a credible and reliable nature for the Mission to make a finding in fact.

25. On this basis, the Mission has, to the best of its ability, determined what facts have been established. In many cases it has found that acts entailing individual criminal responsibility have been committed. In all of

these cases the Mission has found that there is sufficient information to establish the objective elements of the crimes in question. In almost all of the cases the Mission has also been able to determine whether or not it appears that the acts in question were done deliberately or recklessly or in the knowledge that the consequence that resulted would result in the ordinary course of events. The Mission has thus referred in many cases to the relevant fault element (*mens rea*). The Mission fully appreciates the importance of the presumption of innocence; the findings in the report do not subvert the operation of that principle. The findings do not attempt to identify the individuals responsible for the commission of offences nor do they pretend to reach the standard of proof applicable in criminal trials.

26. In order to provide the parties concerned with an opportunity to submit additional relevant information and express their position and respond to allegations, the Mission also submitted comprehensive lists of questions to the Government of Israel, the Palestinian Authority and the Gaza authorities in advance of completing its analysis and findings. The Mission received replies from the Palestinian Authority and the Gaza authorities but not from Israel.

### RECOMMENDATIONS

#### 1769. To Israel

The Mission recommends that Israel immediately cease the border closures and restrictions of passage through border crossings with the Gaza Strip and allow passage of goods necessary and sufficient to meet the needs of the population, for the recovery and reconstruction of housing and essential services and for the resumption of meaningful economic activity in the Gaza Strip.

The Mission recommends that Israel cease the restrictions on access to the sea for fishing purposes imposed on the Gaza Strip and allow such fishing activities within the 20 nautical miles as provided for in the Oslo accords. It further recommends that Israel allow the resumption of agricultural activity within the Gaza Strip, including within areas in the vicinity of the borders with Israel.

Israel should initiate a review of the rules of engagement, standard operating procedures, open fire regulations and other guidance for military and security personnel. The Mission recommends that Israel avail itself of the expertise of the ICRC, the United Nations Office of the High Commissioner for Human Rights and other relevant bodies, and Israeli experts, civil society organizations with the relevant expertise and specialization, in order to ensure compliance in this respect with international humanitarian law and international human rights law. In particular such rules of engagement should ensure that the principles of proportionality, distinction, precaution and non-discrimination are effectively integrated in all such guidance and in any oral briefings provided to officers, soldiers and security forces, so as to avoid the recurrence of Palestinian civilian deaths, destruction and affronts on human dignity in violation of international law.

The Mission recommends that Israel allow freedom of movement for Palestinians within the OPT—within the West Bank including East Jerusalem, between the Gaza Strip and

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the West Bank and between the OPT and the outside world—in accordance with international human rights standards and international commitments entered into by Israel and the representatives of the Palestinian people. The Mission further recommends that Israel forthwith lifts travel bans currently placed on Palestinians by reason of their human rights or political activities.

The Mission recommends that Israel release Palestinians who are detained in Israeli prisons in connection with the occupation. The release of children should be an utmost priority. The Mission further recommends that Israel cease the discriminatory treatment of Palestinian detainees. Family visits for prisoners from Gaza should resume.

Israel should forthwith cease interference with national political processes in the OPT, and as a first step release all members of the Palestinian Legislative Council currently in detention and allow all members of the PLC to move between Gaza and the West Bank so that the Council may resume functioning.

The Government of Israel should cease actions aimed at limiting the expression of criticism by civil society and members of the public concerning Israel's policies and conduct during the military operations in the Gaza Strip. The Mission also recommends that Israel set up an independent inquiry to assess whether the treatment by Israeli judicial authorities of Palestinian and Jewish Israelis expressing dissent in connection with the offensive was discriminatory, both in terms of charges and detention pending trial. The results of the inquiry should be made public and, subject to the findings, appropriate remedial action should be taken.

The Government of Israel should refrain from any action of reprisal against Palestinian and Israeli individuals and organizations that have cooperated with the UN Fact Finding Mission on the Gaza Conflict, in particular individuals who have appeared at the Public Hearings held by the Mission in Gaza and Geneva and expressed criticism of actions by the State of Israel.

The Mission recommends that Israel reiterates its commitment to respect the inviolability of UN premises and personnel and that it undertakes all appropriate measures to ensure that there is no repetition of violations in the future (ref Convention on Privileges and Immunities of the UN). It further recommends that reparation to the United Nations be provided fully and without further delay by the State of Israel, and that the General Assembly consider this matter.

#### 1770. *To Palestinian armed groups*

The Mission recommends that Palestinian armed groups undertake forthwith to respect international humanitarian law, in particular by renouncing attacks on Israeli civilians and civilian objects, and take all feasible precautionary measures to avoid harm to Palestinian civilians during hostilities.

The Mission recommends that Palestinian armed groups who hold Israeli soldier Gilad Shalit in detention release him on humanitarian grounds. Pending such release they should recognize his status as prisoner of war, treat him as such, and allow him ICRC visits.

#### 1771. *To responsible Palestinian authorities*

The Mission recommends that the Palestinian Authority issue clear instructions to security forces under its command to abide by human rights norms as enshrined in the Palestinian Basic Law and international instruments; ensure prompt and independent investigation of all allegations of serious human rights violations by security forces under its control; and end resort to military justice to deal with cases involving civilians.

The Mission recommends that the Palestinian Authority and the Gaza authorities

release without delay all political detainees currently in their power and refrain from further arrests on political grounds and in violation of international human rights law.

The Mission recommends that the Palestinian Authority and the Gaza authorities continue to enable the free and independent operation of Palestinian non-governmental organizations, including human rights organizations, and of the Independent Commission on Human Rights.

### HONORING JP PRITCHARD AND LANA HUGHES

#### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, November 7, 2009*

Mr. BRADY of Texas. Madam Speaker, I rise today to honor two great southeast Texans. Every weekday morning for more than a quarter century, Texans have started their mornings off by tuning into JP Pritchard & Lana Hughes for the latest news. These two consummate radio professionals have been there for us through Hurricanes Alicia, Rita and Ike and Tropical Storm Allison, the most destructive tropical storm in U.S. History. They've kept Houston in the know through good economic times and bad—winning more national, state, and local awards than they have time to count or shelf space to display.

Lana Hughes, a native southeast Texan, is a graduate of Conroe High School in the Eighth Congressional District and Baylor University. She got her start in journalism working for the Conroe Courier and KIKR Radio before joining KTRH in the early 1980s. An avid fan of the NASA Human Space Flight Program, Lana can cite stats on every mission, but her greatest passion is saving animals. Her blog, Animal House, has placed numerous pets into loving homes and informed all of southeast Texas about the problems of abused, neglected, and abandoned animals. If Lana is not in the newsroom, she can found volunteering at a local animal shelter or getting one of her many friends to fall in love with a new four-legged family member.

JP Pritchard got to Texas as fast as he could and once here he stayed. A graduate of Drake University and the broadcasting school of hard knocks, JP and his lovely bride, Esther, have three sons and two grandsons who are the apple of their grandfather's eye. His first job in southeast Texas was as reporter/anchor and news director of KULF Radio, now known as KBME, The Sports Animal. From there, he joined the KTRH team where he has been ever since.

While he enjoys anchoring the news, JP is also proud of his documentary work having won top honors for his 2-hour special on the history of Houston. JP has been used to having his name be "JP & Lana" for more than a quarter century.

Together, these two amazingly talented people have become family members to millions in southeast Texans who instinctively tune to NewsRadio 740 AM, KTRH whenever news is breaking.

### FLIGHT 93 NATIONAL MEMORIAL GROUNDBREAKING

#### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, November 7, 2009*

Mr. MURTHA. Madam Speaker, on September 11, 2001, I was in the U.S. Capitol, where the House Defense Appropriations Subcommittee was meeting to markup the annual defense spending bill. We watched on television as the two airplanes crashed into the World Trade Center Towers, and soon after, evacuated the building because another plane was headed in our direction.

As I got outside, I saw the billows of black smoke rising in the distance from the Pentagon. The plane had actually hit a section of the Pentagon that had recently undergone significant renovations. I had previously earmarked funds to accelerate the building's renovation project, and I was told that had it not been for those improvements, the building would have suffered far greater damage and more lives would have been lost.

It wasn't until later that morning that I had learned of another plane crashing into the quiet fields of Somerset County within my congressional district. There was little known about that flight, so the following morning, September 12th, I drove back to Pennsylvania and to Stonycreek Township.

Looking out across this field, I saw no sign that an airplane had crashed here. There were no burning buildings or piles of rubble like we saw pictured in New York and at the Pentagon. All that remained in this field was smoldering earth and a charred tree line.

I was quoted as saying, "Somebody here was a hero, a passenger . . . or the pilot who would not fly on. There must have been a struggle. Some heroic individual brought this plane down."

I was right about a struggle, but I was wrong in saying "some heroic individual brought this plane down." In fact, there were 40 heroic individuals aboard United Airlines Flight 93 that morning. Forty ordinary citizens, who together, decided to make an extraordinary sacrifice.

In early 2002, I introduced legislation establishing a national memorial to honor the passengers and crew of Flight 93. Nearly 8 years later, I'm honored that we are breaking ground on a memorial that is both fitting of their sacrifice and contribution to our great Nation.

I want to commend and complement Secretary Salazar and the National Park Service, the Families of Flight 93, our local and state officials, and all those involved with the planning and construction of the Flight 93 National Memorial.

Future generations will look out across this quiet Pennsylvania field and forever be reminded of the story of Flight 93 and the courage and sacrifice of her passengers and crew.

### PERSONAL EXPLANATION

#### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, November 7, 2009*

Ms. WOOLSEY. Madam Speaker, on November 6, 2009, I was unavoidably detained